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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,503	07/30/2003	Dean M. Wierman	M61.12-0500	7909

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EXAMINER

BALAOING, ARIEL A

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/630,503	Applicant(s) WIERMAN ET AL.	
	Examiner Ariel Balaoing	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20-24 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/30/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1, 4-10, 20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over FOSTER (US 6,675,382 B1) in view of NOWLIN (US 6,484,309 B2).

Regarding claim 1, FOSTER discloses a method of configuring a computing device, the method comprising: creating a first installation item [payload file] based on a first set of parameter values [control file] provided by an administrator (abstract; column 3:lines 53-64); creating a second installation item based on a second set of parameter values provided by an administrator (abstract; column 3:lines 53-64; column 6:lines 35-42; column 8:lines 4-11; each package corresponds to differing operating systems and parameters); selecting one of either the first installation item or the second installation item as a selected installation item to include in a deployment package (column 6:lines

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43-49); creating a deployment package based on the selected installation item (column 6:lines 43-49); transferring the deployment package to the computing device (column 4:lines 11-26); and extracting the parameter values provided by the administrator from the deployment package and configuring the computing device based on the parameter values (column 7:lines 35-64; column 9:lines 24-46). However FOSTER does not disclose that the computing device is a mobile device. NOWLIN discloses that the computing device is a mobile device (abstract; column 1:lines 12-23; in background, however applies to disclosure of invention). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify FOSTER to include configuration of a mobile device (e.g. laptops, PDAs, cell phones) as both disclosures deal with configuration of program installation between various operating systems. This is beneficial in that it allows the invention of FOSTER to be able to be used with portable devices that operate with an OS that supports application installation.

Regarding claim 4, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. FOSTER further discloses wherein the first installation item further comprises an application [payload file] and the parameter values [control file] comprise an application parameter associated with the application (abstract; column 3:lines 53-64; column 7:lines 35-64; column 9:lines 24-46).

Regarding claim 5, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. FOSTER further discloses wherein transferring the deployment package comprises storing the deployment package on a computer-

readable medium and inserting the computer-readable medium in the mobile device (column 6:lines 15-27).

Regarding claim 6, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. However, FOSTER does not disclose wherein transferring the deployment package comprises connecting the mobile device to a computing device through a non network connection, transferring the deployment package to the computing device and transferring the deployment package from the computing device to the mobile device across the non-network connection. NOWLIN discloses wherein transferring the deployment package comprises connecting the mobile device to a computing device through a non network connection [serial cable] (column 2:lines 21-32), transferring the deployment package to the computing device (it is inherently necessary to transfer the deployment package to the computing device in order to transfer the deployment package to mobile from computing device) and transferring the deployment package from the computing device to the mobile device across the non-network connection (column 2:lines 21-32). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify FOSTER to include a non-network transfer as FOSTER as the transfer rate of a serial connection is generally faster the transfer of information through a floppy. This is beneficial in that it allows both a fast way to transfer information as well as the ability to transfer files to big for a removal storage medium.

Regarding claim 7, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. FOSTER further discloses wherein transferring

the deployment package comprises storing the deployment package on a network server (column 6:lines 8-19), providing the location of the deployment package to the mobile device (column 3:lines 53-64; installation from a specified URL), and sending the deployment package from the network server to the mobile device based on a request from the mobile device (column 6:lines 8-19).

Regarding claim 8, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. FOSTER further discloses wherein creating a deployment package comprises: selecting at least two installation items [payload file and control file] (column 6:lines 59-67); and compressing a combination of the at least two installation items to produce the deployment package (column 6:lines 50-58).

Regarding claim 20, FOSTER further discloses a computer-readable medium having computer executable instructions (column 4:line 62-Column 5:line 3) for performing steps comprising: receiving an indication from a user to include a first installation item in a deployment package [payload file] (abstract; column 3:lines 53-64); receiving an indication from a user to include a second installation item [control file] in a deployment package (abstract; column 3:lines 53-64); compressing the first installation item and the second installation item into a deployment package (column 6:lines 43-67); transferring the deployment package to a computing device (column 4:lines 11-26); and extracting the first installation item and the second installation item from the deployment package and using both the first installation item and the second installation item to change the configuration of the computing device (column 7:lines 46-64, column 9:lines 1-15). However FOSTER does not disclose that the computing device is a mobile

device. NOWLIN discloses that the computing device is a mobile device (abstract; column 1:lines 12-23; in background, however applies to disclosure of invention).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify FOSTER to include configuration of a mobile device (e.g. laptops, PDAs, cell phones) as both disclosures deal with configuration of program installation between various operating systems. This is beneficial in that it allows the invention of FOSTER to be able to be used with portable devices that operate with an OS that supports application installation.

Regarding claim 24, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. FOSTER further discloses wherein the first installation item comprises communication configuration parameter values (column 7:lines 35-64, column 8:lines 34-38; determination of which OS can execute the package is made).

4. Claims 2, 3, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over FOSTER (US 6,675,382 B1) in view of NOWLIN (US 6,484,309 B2) as applied to claim 1 above, and further in view of SELGAS et al (US 6,571,290 B2).

Regarding claim 2, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. However, the combination of FOSTER and NOWLIN does not disclose wherein the parameter values comprise a network parameter used to establish a network connection on the mobile device. SELGAS discloses wherein the parameter values comprise a network parameter used to establish a network connection on the mobile device (column 9:lines 7-28, column

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13:lines 44-58). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of FOSTER and NOWLIN to provide network parameters of the host system as the control file of FOSTER contains information relating to the setup of the payload file. This is beneficial in that it provides an automatic configuration of the TCP/IP protocols needed to access the host system.

Regarding claim 3, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. However, the combination of FOSTER and NOWLIN does not disclose wherein the parameter values comprise a communication parameter used to establish a wireless connection to the mobile device. SELGAS discloses wherein the parameter values comprise a communication parameter used to establish a wireless connection to the mobile device (column 9:lines 7-28, column 13:lines 44-58; FOSTER suggest the use of a wireless link for connection (column 5:lines 44-59), as is know in the art, configuration of communication between devices in a network (wireless or wired) can use the same communication protocols (e.g., DNS, TCP/IP, DHCP, etc.)).

Regarding claim 23, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. However, the combination of FOSTER and NOWLIN does not disclose wherein the first installation item comprises network configuration parameter values. SELGAS discloses wherein the first installation item comprises network configuration parameter values (column 9:lines 7-28, column 13:lines 44-58). Therefore it would have been obvious to a person of ordinary skill in

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the art at the time the invention was made to modify the combination of FOSTER and NOWLIN to provide network parameters of the host system as the control file of FOSTER contains information relating to the setup of the payload file. This is beneficial in that it provides an automatic configuration of the TCP/IP protocols needed to access the host system.

5. Claims 9, 10, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over FOSTER (US 6,675,382 B1) in view of NOWLIN (US 6,484,309 B2) as applied to the parent claims above, and further in view of STAELIN (US 5,835,777).

Regarding claim 9, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. However, the combination of FOSTER and NOWLIN does not disclose wherein creating the first installation item comprises: examining a configuration file associated with the first installation item to identify parameter values that must be determined; acquiring the parameter values from the administrator based on the configuration file; and incorporating the parameter values into the installation item. STAELIN discloses wherein creating the first installation item comprises: examining a configuration file [manifest file] associated with the first installation item to identify parameter values that must be determined (abstract; column 5:lines 4-36); acquiring the parameter values from the administrator [software engineer] based on the configuration file (abstract; column 2:lines 2-49, column 5:lines 4-36; the installation libraries and parameters are automatically generated based on configuration of an engineer); and incorporating the parameter values into the installation item (abstract; column 5:lines 4-36). Therefore it would have been obvious to a person of

ordinary skill in the art at the time the invention was made to modify the combination of FOSTER and NOWLIN to include a configuration file with parameters needed to select installation files as both systems relate to the creation and installation of applications. This is beneficial in that it allows the combination of FOSTER and NOWLIN to greatly increase the speed at which installation files are created.

Regarding claim 10, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. However, the combination of FOSTER and NOWLIN does not disclose further comprising selecting a configuration file to associate with the first installation item. STAELIN discloses further comprising selecting a configuration file to associate with the first installation item (column 4:lines 4-36; the manifest file is selected to determine parameters).

Regarding claim 21, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. However, the combination of FOSTER and NOWLIN does not disclose further comprising before receiving an indication from a user to include a first installation item, receiving the location of a configuration file [manifest] associated with the first installation item. STAELIN discloses further comprising before receiving an indication from a user to include a first installation item, receiving the location of a configuration file [manifest] associated with the first installation item (column 2:lines 35-50; the manifest is needed before installation package can be made, therefore it is inherently necessary that the location of the configuration file be known). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of FOSTER and NOWLIN to include

a configuration file with parameters needed to select installation files as both systems relate to the creation and installation of applications. This is beneficial in that it allows the combination of FOSTER and NOWLIN to greatly increase the speed at which installation files are created.

Regarding claim 22, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. However, the combination of FOSTER and NOWLIN does not disclose further comprising accessing the configuration file to identify parameters values that should be requested from the user, requesting the identified parameter values from the user, and receiving parameter values from the user. STAELIN discloses further comprising accessing the configuration file [manifest file] to identify parameters values that should be requested from the user (abstract; column 5:lines 4-36), requesting the identified parameter values from the user (abstract; column 5:lines 4-36), and receiving parameter values from the user (abstract; column 2:lines 2-49, column 5:lines 4-36; the installation libraries and parameters are automatically generated based on configuration of an engineer).

6. Claims 11, 12, 15, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over STAELIN (US 5,835,777) in view MINEAR (US 2003/0032406 A1).

Regarding claim 11, STAELIN discloses a method of configuring a computing device, the method comprising: selecting a configuration file to associate with an installation item [manifest file] (abstract; column 5:lines 4-36); accessing the configuration file to identify at least one parameter value that should be acquired from a user; acquiring the at least one parameter value from a user (abstract; column 2:lines 2-

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49, column 5:lines 4-36; the installation libraries and parameters are automatically generated based on configuration of an engineer); storing the acquired at least one parameter value as part of the installation item (abstract); creating a deployment package comprising the installation item (column 2:lines 27-34); transferring the deployment package to a computing device (column 4:lines 22-33); and extracting the parameter value from the deployment package on each computing device and storing the parameter value (column 5:lines 19-45; parameters such as preexisting library dependencies and file directories are extracted during installation) in the memory of each computing device (column 4:lines 23-33; package can be downloaded to the computer which inherently requires file storage on memory of some form). However, STAELIN does not disclose the configuration of multiple mobile devices. MINEAR discloses the configuration of multiple mobile devices (abstract, paragraph 14). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made modify STAELIN the ability to configure one or more mobile devices as both disclosures relate to acquiring parameters from a host system. This is beneficial in that it allows the invention of STAELIN to increase the speed and efficiency of network installations.

Regarding claim 12, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. STAELIN further discloses wherein the user is a system administrator [software engineer] (column 2:lines 36-50; a system administrator can be anyone that has administrative access to a computer system).

Regarding claim 15, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. STAELIN further discloses wherein transferring the deployment package comprises storing the deployment package on a computer readable medium and inserting the computer-readable medium in the mobile device (column 4:lines 22-33; stored on a floppy disk for distribution).

Regarding claim 16, see the rejections of the parent claim concerning the subject matter this claim is dependant upon.

Regarding claim 17, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. STAELIN further discloses wherein transferring the deployment package comprises connecting the mobile device to a network, having an agent on the mobile device request the deployment package over the network, and transferring the deployment package over the network to the mobile device (column 4:lines 22-33; installation package can be downloaded from the network server).

7. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over STAELIN (US 5,835,777) in view MINEAR (US 2003/0032406 A1) as applied to claim 11 above, and further in view of SELGAS et al (US 6,571,290 B2).

Regarding claim 13, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. However the combination of STAELIN and MINEAR does not disclose wherein the at least one parameter value comprises a network parameter used to make a connection between the mobile device and a network. SELGAS discloses wherein the at least one parameter value comprises a network parameter used to make a connection between the mobile device and a

network (column 9:lines 7-28, column 13:lines 44-58). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of FOSTER and NOWLIN to provide network parameters of the host system as the control file of FOSTER contains information relating to the setup of the payload file. This is beneficial in that it provides an automatic configuration of the TCP/IP protocols needed to access the host system.

Regarding claim 14, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. However the combination of STAELIN and MINEAR does not disclose wherein the at least one parameter value comprises a communication parameter used to provide wireless communication to the mobile device. SELGAS discloses wherein the at least one parameter value comprises a communication parameter used to provide wireless communication to the mobile device (column 9:lines 7-28, column 13:lines 44-58; FOSTER suggest the use of a wireless link for connection (column 5:lines 44-59), as is know in the art, configuration of communication between devices in a network (wireless or wired) can use the same communication protocols (e.g., DNS, TCP/IP, DHCP, etc.)).

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over STAELIN (US 5,835,777) in view MINEAR (US 2003/0032406 A1) as applied to claim 11 above, and further in view of NOWLIN (US 6,484,309 B2).

Regarding claim 16, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. However, the combination of STAELIN and MINEAR does not disclose wherein transferring the deployment package comprises

connecting the mobile device to a computing device through a connection other than a network connection, transferring the deployment package to the computing device and transferring the deployment package from the computing device to the mobile device. NOWLIN discloses wherein transferring the deployment package comprises connecting the mobile device to a computing device through a non network connection [serial cable] (column 2:lines 21-32), transferring the deployment package to the computing device (it is inherently necessary to transfer the deployment package to the computing device in order to transfer the deployment package to mobile from computing device) and transferring the deployment package from the computing device to the mobile device across the non-network connection (column 2:lines 21-32). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify FOSTER to include a non-network transfer as FOSTER as the transfer rate of a serial connection is generally faster the transfer of information through a floppy. This is beneficial in that it allows both a fast way to transfer information as well as the ability to transfer files to big for a removal storage medium.

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over STAELIN (US 5,835,777) in view MINEAR (US 2003/0032406 A1) as applied to claim 11 above, and further in view of FOSTER (US 6,675,382 B1).

Regarding claim 18, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. However, the combination of STAELIN and MINEAR does not disclose wherein creating the deployment package further comprises compressing multiple installation items to form the deployment package. FOSTER

discloses wherein creating the deployment package further comprises compressing multiple installation items to form the deployment package (column 6:lines 43-67).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify STAELIN to compress the multiple installation files during the completion of package configuration as both systems relate to the creation of an installation package. This is beneficial in it that the compressed file can be downloaded and saved to the target at a much greater speed then an uncompressed file.

Allowable Subject Matter

10. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

TAYLOR (US 5,721,824) – Multiple Package installation with dependencies

LOONEY (US 6,366,876 B1) – Assessing compatibility between platforms and applications

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ariel Balaoing
Patent Examiner
Art Unit 2683

AB



JOSEPH MANCUSO
PRIMARY EXAMINER